

# PATENT COOPERATION TREATY

## PCT

REC'D 11 NOV 2003

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SHW:FP16389	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No.  <b>PCT/AU02/00957</b>	International Filing Date (day/month/year)  17 July 2002	Priority Date (day/month/year)  26 July 2001
International Patent Classification (IPC) or national classification and IPC  Int. Cl. <sup>7</sup> A47K 10/48		
Applicant  SYMONS, Ian Robert et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- |      |                                     |   |
|------|-------------------------------------|---|
| I    | <input checked="" type="checkbox"/> | Basis of the report   |
| II   | <input type="checkbox"/>            | Priority  |
| III  | <input type="checkbox"/>            | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| IV   | <input checked="" type="checkbox"/> | Lack of unity of invention  |
| V    | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI   | <input type="checkbox"/>            | Certain documents cited   |
| VII  | <input type="checkbox"/>            | Certain defects in the international application  |
| VIII | <input checked="" type="checkbox"/> | Certain observations on the international application   |

Date of submission of the demand 30 December 2002	Date of completion of the report 3 November 2003
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>R. WEBER</b> Telephone No. (02) 6283 2546

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☐ the description,    pages    , as originally filed,  
                                 pages    , filed with the demand,  
                                 pages    , received on    with the letter of
- ☐ the claims,    pages    , as originally filed,  
                                 pages    , as amended (together with any statement) under Article 19,  
                                 pages    , filed with the demand,  
                                 pages    , received on    with the letter of
- ☐ the drawings,    pages    , as originally filed,  
                                 pages    , filed with the demand,  
                                 pages    , received on    with the letter of
- ☐ the sequence listing part of the description:  
                                 pages    , as originally filed  
                                 pages    , filed with the demand  
                                 pages    , received on    with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description,    pages
- ☐ the claims,    Nos.
- ☐ the drawings,    sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).*

**\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report**

**IV. Lack of unity of invention**

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

There appears to be 5 inventions claimed.

1. Claims 1 to 53 are all directed to a body drier having a housing including an air chamber a narrow outlet, heating means and an air blower.

2. Claims 54 to 56 and 65 to 71 define a method of forming a heating element utilising a coiled heating element and first and second cards having profiled edges.

3. Claims 57 to 59 are directed to a light conductor and detector for the control of a body drier.

4. Claims 60 and 61 are directed to a fan assembly with at least one pair of air flow control wings.

5. Claims 62 to 64 disclose a fan assembly with at least one pair of air flow control wings.

As the search was restricted to claims 1 to 53 no meaningful examination could be made on claims 54 to 64.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1 to 53.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 6 to 9, 11 to 53.	YES
	Claims 1 to 5, 10.	NO
Inventive step (IS)	Claims 11 to 27, 29 to 53.	YES
	Claims 1 to 10, 28.	NO
Industrial applicability (IA)	Claims 1 to 53.	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)**

Novelty (N) Claims 1, 2, 3, 4, 5 and 10.

The following citations disclose all the features of the claims identified alongside:-

WO 90/01287A, WO 91/07900A, DE 19635680A                      Claims 1,4,5,10.

JP 2001046277A, GB2020970A, GB2140295A, GB2146522A              Claims 1 to 4.

Further, the explicit teaching of each citation is to employ each device as presently claimed.

Inventive Step (IS) Claims 1 to 10 and 28.

Claims 1, 2, 3, 4, 5 and 10 as above.

The features added by claims 6, 7, 8, 9 and 11 are considered minor improvements and hence are obvious or do not involve an inventive step.

Further claims 1 and 28 are considered not to involve an inventive step in the light of De 19824764.

Industrial Applicability (IA) Claims 1 to 53.

All claims are considered to be industrially applicable.

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 28 is not clear with regard to "the housing element" (line 20) which it has no antecedent it would appear that heating element is meant.